

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 12, 13, 15-18, 20-22, 24-26, 28 and 32-34 are now pending, wherein claims 12, 13, 18 and 24 are amended, claims 14, 19, 27 and 29-31 are canceled and claims 32-34 are new.

Claims 12-22, 24, 25 and 27-31 are rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent Application Publication No. 2001/0008992 to Saito et al. ("Saito"). Claim 26 is rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Saito and U.S. Patent No. 6,097,311 to Iwasaki et al. ("Iwasaki"). These grounds of rejection are respectfully traversed.

Saito does not anticipate amended claim 12 because the Office Action has acknowledged that Saito does not disclose the elements incorporated into claim 12 from claim 27.

Specifically, claim 12 as amended to include dependent claims 14 and 27, now recites:

at least one of the voice output and a visual display include information about a type of danger in all the predefined selectable indication modes.

The Office Action, acknowledging that Saito does not disclose the elements of claim 26, states that "Saito did not disclose a warning includes a type of danger". Accordingly, the Office Action relies upon Iwasaki for the elements of claim 26. Claim 26 recites:

at least one of the voice output and a visual display include information about a type of danger in all the predefined selectable indication modes.

Because the Office Action acknowledges that Saito does not disclose the element recited in claim 26, which is the same element now recited in claim 12, Saito does not anticipate claim 12.

Furthermore, the combination of Saito and Iwasaki does not render amended claim 12 obvious. The Office Action states that it would have been obvious to modify Saito to include the warning of Iwasaki "since it is known in the art". Merely because something is known in the art does not mean that it would have been obvious to combine with another disclosure, but instead there must be some clearly articulated reason why one skilled in the art would have reached the conclusion of obviousness. Specifically, M.P.E.P. § 2143 makes clear that

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

Thus, the Office Action has not explicitly provided a clear articulation of the reasons why the claimed invention would have been obvious, and therefore amended claim 12 is patentably distinguishable over the current grounds of rejection.

Saito does not anticipate amended claim 14 because Saito does not disclose that

for a determined first urgency level and not for a determined second level of urgency, an indication mode is selected in which only the voice output includes a danger distance indication.

The Office Action relies upon Saito's disclosure of the voice announcements in paragraph 0088 for the disclosure of the claimed danger distance indication. This paragraph describes that for situations of a high degree of danger speaker 71 announces "Collision occurs" and "Immediately avoid the collision", while for situations of a low degree of danger speaker 71 announces "Collision may occur", "Pay attention." Thus, if the Office Action relies upon the announcements of "Collision may occur", "Pay attention" as corresponding to the claimed "danger distance indication", then based on this reasoning the statements "Collision occurs" and "Immediately avoid the collision" should likewise be considered as a danger distance indication.¹ In contrast to this interpretation of Saito that results in danger distance indications being output under situations of both high and low degree of danger, claim 13 recites that the danger distance indication is output "for a determined first urgency level, and not for a determined second level of urgency." Thus, Saito does not anticipate claim 13.

¹ This statement should not be interpreted as an acquiescence that this is a proper interpretation of the term "danger distance indication", but instead is merely presented to highlight how the reasoning provided to support the rejection of claim 13 prior to the amendment would not anticipate claim 13 after the amendment.

Claim 18 is amended to include similar elements to those discussed above with regard to claim 13, and is not anticipated by Saito for similar reasons.

Claims 15-17, 20-22, 24-26 and 28 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency.

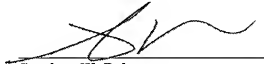
New claims 32-34 are patentably distinguishable over Saito because the announcements by speaker 71 do not provide danger distance "in a form of a number."

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 12-22 and 24-31 be withdrawn.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57283US).

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Stephen W. Palan', is written over a horizontal line.

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